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SUMMARY RECORD OF THE 54th MEETING

Chairman: Mr. TSHERING (Bhutan)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 112: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/50/L.53)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/50/L.51/Rev.1)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/50/L.41, L.43, L.52, L.54, L.66)

Draft resolution A/C.3/50/L.51/Rev.1

1. Mr. TOUCHETTE (Canada) introduced draft resolution A/C.3/50/L.51/Rev.1, entitled "Importance of human rights in the early warning and prevention of mass exoduses and in the emergency operations of the United Nations", whose sponsors had been joined by Costa Rica, Georgia, Greece, Israel, the Netherlands, Spain and the United Kingdom. Consultations were still being conducted on the text of the draft resolution, which was based on General Assembly resolution 48/139 and Commission on Human Rights resolution 1995/88.

Draft resolution A/C.3/50/L.54

2. Mr. ROSNES (Norway) introduced draft resolution A/C.3/50/L.54, entitled "Protection of and assistance to internally displaced persons", whose sponsors had been joined by Benin, France and the Philippines. In paragraph 8, the phrase "such as a declaration for internally displaced persons" had been deleted.

Draft resolution A/C.3/50/L.66

3. Mr. NUÑEZ (Spain) introduced draft resolution A/C.3/50/L.66, entitled "Situation of human rights in Nigeria", whose sponsors had been joined by Barbados, Ecuador, El Salvador, Latvia, Suriname and the former Yugoslav Republic of Macedonia. The sponsors, which represented all the regional groups, were of the view that Nigeria's attitude towards fundamental human rights called for the vigilance of the international community.

Draft resolution A/C.3/50/L.52

4. The CHAIRMAN announced that Austria and Portugal had become sponsors of draft resolution A/C.3/50/L.52, entitled "Situation of human rights in Myanmar". The proposed text had no programme budget implications.

5. Ms. NEWELL (Secretary of the Committee) said that the sponsors of the draft resolution had inserted, between the sixth and seventh preambular paragraphs, a new preambular paragraph which read: "Noting recent developments regarding the composition of the National Convention,".

6. Mr. MRA (Myanmar) said that, while the overall thrust of the draft resolution was more positive than General Assembly resolution 49/197 and portrayed the situation in his country in a less negative light, it still did not accurately reflect the prevailing situation in the country. Thus, the concrete steps taken by the Government to advance the process of national reconsolidation, democratization and socio-economic development of the country outlined in document A/C.3/50/9 had not been taken into account.

7. The "recent developments regarding the composition of the National Convention" were but the result of a premeditated action of one political party to mar the success achieved thus far by the National Convention. The "substantive political dialogue" urged by the draft resolution was already under way within the framework of the National Convention process, whose wide representative character was evidenced by the participation of national ethnic groups and armed groups which had returned to the legal fold. It was the most widely representative political process in the country's post-independence history. The restrictions placed on Mrs. Daw Aung San Suu Kyi had been lifted in accordance with the law under which legal action had been taken against her. His Government had already responded - in vain - to the Special Rapporteur's charges concerning its alleged policy of condoning human rights violations. With respect to the allegations of forced labour, civilian labourers were recruited and employed in accordance with the Village Act of 1908 and the Towns Act of 1907. The Government was amending the two laws to bring them in line with Convention No. 29 of the International Labour Organization (ILO). The development projects for which labour was employed were solely for the benefit of the people living in the regions concerned, who were remunerated equitably for their services.

8. Paragraph 14 of the draft resolution did not reflect the fact that negotiations with the International Committee of the Red Cross (ICRC) for the signing of a memorandum of understanding between the Government of Myanmar and ICRC had not been completed, as his Government had already reminded the Special Rapporteur (A/50/568) by indicating to ICRC its readiness to pursue the dialogue. Moreover, the draft resolution alleged that the Myanmar army had attacked the Karens and Karennis. While his delegation was appreciative of the recognition accorded in the draft to the return to the legal fold of 15 armed groups, it rejected that allegation. In that regard, it should be stressed that it was not just a conclusion of so-called "cease-fire agreements" but an unprecedented achievement in the post-independence history of Myanmar, which only the present Government of Myanmar had been able to secure. More than that, those armed groups were working together with the Government for the development of their respective regions, thus contributing to national reconsolidation.

9. The true situation in Myanmar, which was undergoing tremendous political, economic and social changes, was not accurately conveyed in the international media. Instead of criticizing his country, the international community should seek to promote and encourage those positive developments. While it was his Government's consistent policy to continue to cooperate with the United Nations to the fullest extent possible, the role of the Secretary-General as envisaged in paragraph 19 of the draft resolution should be implemented in a manner consistent with the principle laid down in Article 2, paragraph 7, of the Charter of the United Nations. His Government would not accept any disruption

of the ongoing National Convention process, which was a matter that fell essentially within his country's domestic jurisdiction.

10. Mrs. ALBRIGHT (United States of America) strongly endorsed the core recommendations of draft resolution A/C.3/50/L.52. However, greater emphasis should have been placed on certain demands. Thus, the language in paragraph 17 should have been tempered, because the Burmese army had not fully honoured the cease-fire agreements concluded between the Government of Burma and various ethnic groups. The draft resolution should have encouraged, as the Commission on Human Rights had done in its resolution 1995/72, discussions with the Burmese Government for the purpose of stimulating progress towards democratization and national reconciliation and it should have been recalled that ILO itself had recommended that Burma should bring both its laws and its practices into compliance with internationally recognized standards of workers' rights by abolishing the despicable practice of forced labour and forced porterage. Finally, greater attention should have been paid to the fresh attacks against the National League for Democracy, which had been expelled from the National Convention of Delegates, ostensibly a mechanism for facilitating a transition to democracy. Unfortunately, the Burmese authorities had hand-picked all the delegates of that Convention, greatly underrepresenting those from the democratic movement who had received a large portion of the votes, and ethnic minorities. By branding the advocates of democracy "traitors" and speaking of "annihilating" those who criticized the National Convention, the Burmese Government proved once again that the opposition could not express itself freely and without fear of intimidation. The Government of Burma should have no doubt that it would be held responsible for any actions that resulted in physical harm or unjust punishment against those who had simply engaged in the peaceful exercise of internationally recognized rights. The proposed draft resolution should have vigorously encouraged all initiatives which could effectively bring the Government of Burma to do what it claimed to be doing, namely, commit itself to setting Burma on the path to pluralist democracy and economic prosperity.

11. Mr. ALAIDEROOS (Yemen) said that his delegation, which for three years had not been taking part in debates on human rights resolutions, would adopt a similar policy during the current session to protest against the fact that double standards continued to be applied in that area.

12. Draft resolution A/C.3/50/L.52 was adopted without a vote.

Draft resolution A/C.3/50/L.43

13. The CHAIRMAN announced that Belgium, Croatia, Finland, Norway and Senegal had become sponsors of draft resolution A/C.3/50/L.43, entitled "Situation of human rights in Kosovo" and that the draft resolution did not have programme budget implications.

14. Ms. HADJI (Greece) said that her country was indeed seriously concerned about the continuing deterioration of the situation in the former Yugoslavia, and particularly in Kosovo, which might become explosive. The individual and collective human rights of the Albanian minority of Kosovo must be fully respected in line with international law as laid down in the relevant instruments. That was a well-established principle which all States should

apply in respect of all ethnic minorities. However, some of the key provisions of the proposed text went beyond human rights. They practically imposed a political solution to the situation, which could be resolved only through negotiations between the parties concerned.

15. Mr. SEPELEV (Russian Federation) deplored the fact that the proposed draft resolution isolated Kosovo from the independent State of which it was a part, the name of which was not even mentioned in the title; that ran counter to United Nations rules. He feared that such ambiguities on the part of the international community could be exploited by certain groups to call into question the principle of the territorial integrity of States. Moreover, the draft text omitted a number of elements that could have been retained from General Assembly resolution 48/153. Lastly, he wondered if it was really necessary to attempt to direct Governments' efforts relating to refugees, at the risk of further complicating the situation of that vulnerable group and undermining the principle of non-interference in the internal affairs of States. For that reason, he wished to request a recorded vote on the draft resolution; his delegation would vote against it.

16. At the request of the representative of the Russian Federation, a recorded vote was taken on draft resolution A/C.3/50/L.43.

In favour: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Germany, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Jordan, Kazakstan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Samoa, San Marino, Saudi Arabia, Senegal, Slovenia, Solomon Islands, South Africa, Spain, Sudan, Suriname, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan.

Against: India, Russian Federation.

Abstaining: Barbados, Bhutan, Botswana, Burkina Faso, Cameroon, China, Congo, Côte d'Ivoire, Gabon, Gambia, Ghana, Greece, Guinea, Jamaica, Kenya, Lesotho, Malawi, Myanmar, Namibia, Nepal, Nigeria, Peru, Republic of Moldova, Romania, Singapore,

Sri Lanka, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Venezuela, Zimbabwe.

17. Draft resolution A/C.3/50/L.43 was adopted by 107 votes to 2, with 35 abstentions.

18. Mr. BARRETTO (Peru) said that his delegation had abstained from voting because a draft resolution on a specific region was contrary to the practice whereby the General Assembly considered only State entities. It had done so in its resolution 48/153, which had addressed the situation in the territory of the former Yugoslavia in general, and which Peru had supported.

19. Mrs. LIMJUCO (Philippines) said that her delegation had intended to abstain, rather than vote in favour of the draft resolution.

20. Mr. TELLES RIBIERO (Brazil) said that his delegation had voted in favour of the draft resolution: given that the Dayton Agreement augured favourably for the consolidation of the peace process in the territory of the former Yugoslavia, it was appropriate to promote harmonious and constructive coexistence among all cultures and religions of the region. It was encouraging that, as the Secretary-General had noted in his report (A/50/767), the Federal Republic of Yugoslavia had shown its willingness to cooperate with the United Nations High Commissioner for Human Rights and with the Special Rapporteur of the Commission on Human Rights in the establishment of an international monitoring presence in its territory.

21. Mr. MENDEZ (Venezuela) said that his delegation had abstained because it believed that the question of human rights in Kosovo should be addressed within the framework of the former Yugoslavia as a whole. Singling out a particular ethnic group did not contribute to the balanced view which had prevailed at the signing of the Dayton Agreement.

Draft resolution A/C.3/50/L.53

22. The CHAIRMAN announced that the Russian Federation had joined in sponsoring draft resolution A/C.3/50/L.53, which had no programme budget implications.

23. Mr. ROSNES (Norway) corrected an omission in the fifth preambular paragraph: the text should recall not only the International Covenant on Economic, Social and Cultural Rights but also the International Covenant on Civil and Political Rights.

24. Ms. NEWELL (Secretary of the Committee) said that the sponsors of the draft resolution had deleted from paragraph 6 the phrase ", i.e., the need to take into account the specific need and situations of women".

25. Draft resolution A/C.3/50/L.53, as orally revised, was adopted.

Draft resolution A/C.3/50/L.41

26. Ms. NEWELL (Secretary of the Committee) said that the sponsors of the draft resolution had replaced the eighth preambular paragraph with the following text: "Concerned in particular at reports of abuses and violations of the human rights of women, including acts of violence, and denial of access to primary and basic education, training and employment affecting their effective participation in the political and cultural life throughout the country,". In addition, they had inserted after paragraph 4 the following new paragraph: "Calls for the unconditional and simultaneous release of all prisoners of war, wherever they may be held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as a result of the war,".

27. Draft resolution A/C.3/50/L.41, as orally revised, was adopted.

AGENDA ITEM 165: IMPLEMENTATION OF THE OUTCOME OF THE FOURTH WORLD CONFERENCE ON WOMEN: ACTION FOR EQUALITY, DEVELOPMENT AND PEACE (continued) (A/C.3/50/L.63)

28. Ms. LAHNALAMPI (Finland) introduced draft resolution A/C.3/50/L.63, entitled "Amendment to article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women". In paragraph 1, the sponsors had replaced the phrase "Takes note with approval of the amendment" by "Takes note with approval of the resolution regarding the amendment". In paragraph 2, the phrase "to ratify the amendment" had been replaced by "so that acceptance by a two-thirds majority of States parties can be reached, as soon as possible, in order for the amendment to enter into force". The draft text had first been considered during the negotiations on draft resolution A/C.3/50/L.24, when it had been decided that it would be preferable to make it into a separate resolution.

29. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, said, with reference to the statement made by the representative of Spain at the 53rd meeting, that he wondered about the source of the supposedly detailed information supported by facts which the representative of Spain had reported. If that information was based on the allegations made by the Special Rapporteur, then it was totally invalid.

30. Mr. RODRIGUEZ (Spain) said that it was his understanding that the right of reply could be exercised only during the general debate, which had been concluded. He asked the Chairman to clarify whether a delegation could reply to a statement during the introduction of a draft resolution.

31. The CHAIRMAN said that it was his view, based on the rules of procedure as well as practice, that a delegation could reply to any statement made under an agenda item as long as consideration of that item had not been concluded.

32. Mr. RODRIGUEZ (Spain) said that he would defer to the Chairman's decision, but wondered, nevertheless, how the introduction of a draft resolution, which was procedural rather than substantive, could be taken as an opportunity for a right of reply. He also recalled that Iraq had already exercised that right during the consideration of agenda item 112 (c).

33. Mr. AL-DOURI (Iraq), resuming his statement, said that the Food and Agriculture Organization of the United Nations (FAO) had reported, and all humanitarian organizations had confirmed, that all supplies delivered to Iraq were being distributed to the people. It was also false to allege that Iraq had not cooperated with the United Nations and its human rights and humanitarian agencies, when it had in fact provided unrestricted assistance: the Executive Director of the United Nations Children's Fund (UNICEF), for example, had acknowledged in a letter to the Iraqi Government that the Government was assisting UNICEF in its work and sought to improve the health and well-being of children despite the difficulties it faced. Iraq had not detained Kuwaitis in its prisons, and had provided the greatest possible cooperation to the International Committee of the Red Cross in finding disappeared persons.

The meeting rose at 5.10 p.m.